

CITY BOARD OF ZONING APPEAL #2380

DATE: January 13, 2005

DATE SCHEDULED FOR PUBLIC HEARING:

January 28, 2005

LOCATION: Generally located at 8th and A Streets

ADDRESS: 805 A Street

LEGAL DESCRIPTION: See attached.

APPLICANT: Scott Davis
8800 S. 56th Street
Lincoln, NE 68516
(402)314-0666

LOT AREA: 3,550 square feet, more or less.

ZONING: R-6, Residential.

EXISTING LAND USE: Residential.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-------------|----------|
| North: | Residential | R-6 |
| South: | Residential | R-6 |
| East: | Residential | R-6 |
| West: | Residential | R-4, R-6 |

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.21.080(a), L.M.C. requires a rear yard setback of 14.2 feet. A Variance from 14.2 feet to 11.2 feet is requested.

Section 27.21.080(a), L.M.C. requires a side yard setback of 5 feet. A variance from 5 feet to 2.917 feet is requested.

STAFF FINDINGS:

1. This is a request to reduce the rear and side yard setbacks to rebuild a garage in the same location. The existing detached garage was built in 1931.
2. The applicant indicated this is a small lot. Site plan materials provided by the applicant shows that prior to August of 2004 the garage was detached and the proposed garage is attached. It appears from these materials that the setbacks

are identical to the existing garage and no further encroachment is requested.

3. The existing house is a bungalow with a one-stall garage. Other houses in the neighborhood vary from bungalow to two story with attached and detached one and two stall garages. Some of the lots do not have garage structures.
4. There is a wide variety of lot sizes in the neighborhood. This lot is not the smallest in the neighborhood, but at 50' x 71' is small in comparison to the rest of the city.
5. Lincoln Municipal Code does allow the replacement of non-standard accessory buildings on narrow lots, however, this lot does not meet the requirements of this standard because it is not less than 50' and it was not a lot of record.

Section 27.71.220 Replacing Non-standard Accessory Building on Narrow Lot.

In the R-1, R-2, R-4, R-5, R-6, R-7, and R-8 zoning districts, a new or replacement accessory building may be erected on the site of an existing detached accessory building constructed on or before November 2, 1953, on a lot of record with an average lot width of less than fifty feet although the site does not meet the required minimum setback from a side, rear, or side and rear lot line(s), provided:

(a) Such new or replacement accessory building does not extend beyond the exterior perimeter of the existing accessory building; and

(b) Such new or replacement accessory building shall otherwise comply with all applicable city ordinances.

6. The lot in this request was not a lot of record. A lot of record is defined as: "Lot of record shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that said lot has a frontage of not less than forty feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Lancaster County on or before November 2, 1953, unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor and is not greater in area than one acre".
7. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
8. If this appeal were not granted, the owners could keep the existing garage structure and make minor renovations to the building.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov

Planner



2002 aerial

Board of Zoning Appeals #2380 805 A St.

Zoning:

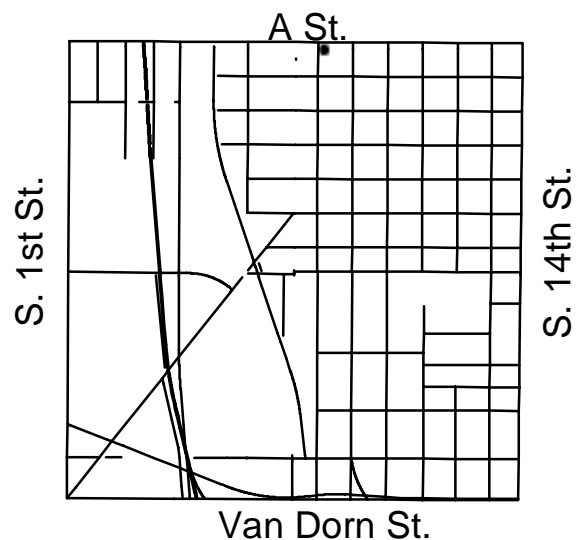
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 35 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.